

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEONARD A. HASKIN,

No. C 08-2226 CW (PR)

Plaintiff,

ORDER DIRECTING DEFENDANTS
TO PRODUCE DOCUMENTS IN
SUPPORT OF MOTION TO DISMISS

v.

ROBERT AYERS, JR., et al.,

Defendants.

Before the Court is a motion to dismiss by Defendants Warden R. Ayers, Jr., Dr. Bui, Dr. Gershbein, Dr. Martin, Sgt. Nguyen, Officer Perry, Dr. Udenyi, Dr. William and Dr. Wilson for failure to exhaust administrative remedies. Defendants allege Plaintiff did not exhaust available administrative remedies because he "submitted two inmate appeals for review at the Director's Level of Review, and neither of those appeals involves Haskin's deliberate indifference claims found in his complaint." (Mot. Dismiss at 2.) Plaintiff alleges that "every time [he] tried to file an inmate appeal, they either deliberately lost my appeal, or refused to honor my appeal." (Pl.'s Jan. 3, 2011 Letter at 1.) Plaintiff attached to his amended complaint documents relating to inmate appeal log no. 07-00209, which raised the deliberate indifference claims found in his complaint. (Am. Compl. at 44.¹) The record does not show whether there was a second level response to his

¹ Plaintiff has not numbered his amended complaint. Although he has numbered the pages of his exhibits, the pages are not in numerical order. Therefore, the Court has renumbered his complaint and exhibits, beginning with page one as the first page of the complaint form.

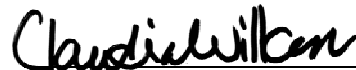
1 appeal. Defendants do not address inmate log no. 07-00209 in their
2 motion to dismiss.

3 No later than seven (7) days from the date of this Order,
4 Defendants must provide the Court with any and all relevant
5 supporting documents showing whether there was a second level
6 response to inmate appeal log no. 07-00209, and if so, whether the
7 appeal progressed to the Director's level.

8 The Court will resolve the pending motion to dismiss in a
9 separate written Order.

10 IT IS SO ORDERED.

11 Dated: 2/1/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LEONARD A HASKINS,

Plaintiff,

v.

ROBERT AYERS JR et al,

Defendant.

Case Number: CV08-02226 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 1, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Leonard A. Haskins
800 Main St., Apt. #207
Redwood City, CA 94063

Dated: February 1, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California